

JUN 16 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

JAMES F. CLARK,	)	CASE NO. 7:11CV274
	)	
Petitioner,	)	
	)	FINAL ORDER
vs.	)	
	)	
DIRECTOR, DEPARTMENT	)	
OF CORRECTIONS,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Respondent(s).	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the petitioner's motion for a temporary restraining order and preliminary injunction is **DENIED** as such and is **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and **DISMISSED** without prejudice, as successive, pursuant to 28 U.S.C. § 2244(b), and the action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 16<sup>th</sup> day of June, 2011.

  
\_\_\_\_\_  
Chief United States District Judge